IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27351 of 2007(F)

PETITIONER:

C.S.MADHUSOODANAN,
SENIOR ASSISTANT, ELECTRICAL CIRCLE,
CHOTTANIKKARA, RESIDING AT CHANDRAVILASOM,
THEKKETHUKAVALA P.O., PONKUNNAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

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1. CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD, VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
OFFICE OF THE EXECUTIVE ENGINEER, ELECTRICAL
DIVISION, TRIPUNITHURA.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, CHOTTANIKKARA.

BY GOVT.PLEADER SRI.ASOK M.CHERIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.27351 of 2007

Dated this the 14th day of September, 2007

JUDGMENT

Aggrieved by Ext.P3 order of transfer, by which the petitioner, a Senior Assistant, was transferred from the Electrical Section, Chottanikkara to the Electrical Circle, Audit Office, Kasargode, he has approached this Court by filing Writ Petition No.14145/2007. The same was disposed of by Ext.P4 judgment. This Court found that the Court can interfere with the transfer order only if it is in violation of the statutory provisions or vitiated by malafides. It was further found that the petitioner has not made out any such case in the writ petition. The petitioner was permitted to move the Electricity Board by filing a suitable representation along with a copy of the judgment. The Board was directed to take a decision on the same within a period of one month from the date of receipt of a copy of that representation. According to the petitioner, he filed Ext.P5 representation as permitted under Ext.P4. In Ext.P4 judgment, this Court has further directed that the petitioner shall be re-admitted to duty at Chottanikkara and shall be permitted to continue there for a period of two months or till the

Electricity Board takes a decision on Ext.P7 representation whichever therein. Accordingly, he was not re-admitted to duty at Chottanikkara pursuant to Ext.P4 judgment and therefore he has filed Contempt of Court Case No.1180/2007 which is stated to be pending.

2. Ext.P6 communication from the Executive Engineer indicates that the petitioner's representation was disposed of by the Chief Engineer on 21.8.2007. According to the petitioner, the said order is not being communicated and that he is now required to go to Kasargode vide Ext.P7 order.

3. I have heard the learned Senior Standing Counsel for the Electricity Board Mr.Asok Cherian as well. This Court, had, as per Ext.P4 judgment directed the Electricity Board to re-admit the petitioner to duty at Chottanikkara and retain him therein for a period of two months or till the representation, which he was permitted to file thereunder, was disposed of. Mr.Asok Cherian submits that the representation has been disposed of by Order dated 21.8.2007. According to the petitioner, the copy has not been served on him. Disposal of the representation can be said to have become complete only when a copy is served on the representationist. In the circumstances, copy of the proceedings stated to have been issued by the CE(Charge) on 21.8.2007 will be communicated to the petitioner by the respondents within a period of one week from today, if it is not

already communicated. The question as to whether it was actually communicated to him or not are matters which may invite the attention of the Court in the Contempt of Court Case stated to have been preferred by the petitioner. In the circumstances, the relief of the petitioner pursuant to Ext.P7 shall be kept in abeyance till the order dated 21.8.2007 referred to in Ext.P6 is communicated to him.

The writ petition is disposed of as above.

V.GIRI, JUDGE

CSS